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June 5, 2024

BY ECF

Hon. Jesse M. Furman  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *United States v. Tyshawn Brogdon et al*,  
22 Cr. 343 (JMF)

Dear Judge Furman:

I write, with the consent of the government (A.U.S.A. Thomas Wright), to respectfully request that the sentencing hearing in this matter presently scheduled for June 24, 2024, be adjourned to a date on or after July 26, 2024. This is the second application for adjournment of this sentencing hearing, and is made because the EDNY trial in which I have been engaged since March 25, has lasted several weeks longer than scheduled — a six-to-eight-week trial is now entering its eleventh week, depriving me of the time I had allotted to meet with Mr. Brogdon to review his presentence report and prepare his sentencing submission.<sup>1</sup>

On April 5, 2024, Your Honor granted my application to adjourn sentencing based on the late disclosure of the presentence report and the ongoing EDNY trial,<sup>2</sup> which, at the time of the application, was expected to end on or about May 25. I begin a second trial next Tuesday, June 11, 2024, in the Southern District of New York.<sup>3</sup> I had anticipated several weeks between these two trials to meet with Mr. Brogdon at the MDC to review his presentence report and prepare his sentence memorandum. (The draft presentence report was disclosed on May 8, 2024, and the final report on May 29, 2024.) Instead, I need to spend this time meeting with my trial client who is detained in a nursing home in Queens and preparing to try his case next week.

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<sup>1</sup> This application is made cognizant of the Court's admonition that "no further adjournments are likely to be granted." Memo Endorsement, 4/5/2024, ECF No. 207. I respectfully submit that adjournment is appropriate due to the unforeseen scheduling issues set forth in this letter.

<sup>2</sup> *United States v. Derrick Ayers et al*, 20 Cr. 239 (BMC).

<sup>3</sup> *United States v. Ricardo Ferguson*, 22 Cr. 135 (RMB).

For these reasons, I respectfully request the sentencing hearing be rescheduled to a date on or after June 24, 2024.

Thank you for your consideration.

Respectfully yours,

A handwritten signature in black ink, appearing to be 'E. Lipton', with a stylized flourish at the end.

Evan L. Lipton  
*Attorney for Tyshawn Brogdon*